

MEMO ENDORSED



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April 15, 2008

BY FAX: (212) 805-7949

Honorable P. Kevin Castel
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Parnes v. City of New York et al., 08 CV 03010

Your Honor:

I am the attorney in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, representing defendant City of New York (the "City") in the referenced action. I am writing to request an enlargement of the City's time to answer or otherwise respond to the complaint from April 16, 2008 to June 16, 2008.¹ Additionally, should the Court grant the extension, it is respectfully requested that the initial conference scheduled for May 9, 2008 be adjourned to June 18, 2008, or to such other date convenient to the Court. I have conferred my adversary concerning this request and he has consented to the extension.

This office seeks the extension for several reasons. This case is based on allegations that plaintiff, *inter alia*, was falsely arrested and maliciously prosecuted for offenses she did not commit. In order to properly respond to these allegations, this office must obtain the official records concerning plaintiff's arrest. However, since the charges against plaintiff were allegedly dismissed, their arrest records are likely sealed pursuant to New York Criminal Procedure Law § 160.50 and therefore not obtainable without his written consent. The extension will afford the City time to secure the arrest records so that it could properly address the allegations contained in plaintiff's complaint.

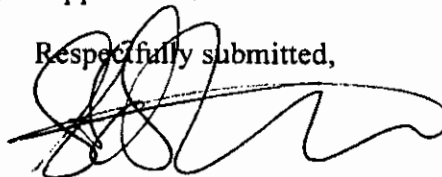
¹ Upon information and belief, defendant Police Officer Ava Williams has not been served with process as of this writing and so this application is only made on the City's behalf. In the event, however, that Officer Williams is subsequently served with process, we request that their time to answer be similarly extended for the reasons stated herein.

*Time to answer
or otherwise respond
extended to June 16, 2008
for all defendants.
Initial Conference
adjourned from May 9
to June 20, 2008 at 9:30 a.m.
SO ORDERED.
USJ
4-16-08*

Additionally, upon information and belief, the defendant police officer has not been served with process as of this date. The enlargement will afford plaintiff additional time to serve this officer and, presuming she is in fact timely served, allow this office time to conduct an inquiry to determine whether it could represent the officers in this case. See General Municipal Law § 50(k); Mercurio v. The City of New York, et al., 758 F.2d 862, 864-65 (2d Cir. 1985); Williams v. City of New York, et al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law).

No previous requests for an extension has been made by either party. Accordingly, it is respectfully requested that the Court grant the instant application.

Respectfully submitted,



Steve Stavridis
Special Federal Litigation Division

cc: Gerald Allen, Esq. -- By Fax: 212-221-6867